

03-09-08 08:42pm From-Baum Sigman

630-232-0741

T-587 P.02/04 F-287

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CARPENTERS FRINGE BENEFIT )  
FUND OF ILLINOIS, *et al.*, )  
Plaintiffs, ) CIVIL ACTION  
vs. ) NO. 08 C 0478  
JOHN C. WYMAN, individually and d/b/a )  
WYMAN CONSTRUCTION, ) JUDGE AMY J. ST. EVE  
Defendant. )

AFFIDAVIT

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF KANE )

DEBORAH L. FRENCH, being first duly sworn upon her oath, deposes and states:

1. I am the Collections Department Manager for the Carpenters Fringe Benefit Funds of Illinois and in such capacity, I have knowledge of the matters hereinafter set forth and if called as a witness in the instant proceedings I am competent to testify in respect thereto.
2. Among my responsibilities and duties, I am charged with keeping and maintaining records of contributions received by the Plaintiffs from participating employers, maintain individual records on each person, firm, and corporation required to make contributions to the Plaintiffs Funds, receive and record contributions reports made by such persons, firms or corporations, and have under my supervision and direction all books, records, documents and papers relating to such Plaintiffs Funds, and have been delegated the authority by all other Plaintiffs to

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coordinate and supervise the recovery of delinquent employer contributions on their behalf, receiving thereby access to all necessary information.

3. I have examined the account of Defendant, JOHN C. WYMAN, individually and d/b/a WYMAN CONSTRUCTION, in the above-entitled action, and state that said, Defendant: \_\_\_\_\_

- a. Is required to submit monthly contribution reports accompanied by payment of fringe benefit contributions, under the terms of a written agreement specifying and describing such obligation;
- b. Has failed to submit to Plaintiffs the monthly contribution reports and contributions required of it, or all of them, despite repeated notification from his office to said Defendant of such delinquency.

4. Because of the Defendant's failure to submit the required monthly contribution

4. Because of the Defendant's failure to submit the required monthly contribution reports, I am unable to determine the amounts, if any, that may be due and owing to Plaintiffs.

5. In my capacity as Collections Department Manager, I have become familiar with the administration of multi-employer fringe benefit funds, and that the custom and usage in maintaining such funds is to require an audit of the payroll books and records of employers required to file contribution reports, in order to determine contributions due such funds.

6. Absent the performance of an audit as requested, Plaintiffs have no alternative means by which they can determine with the degree of accuracy required of them by law, the actual contributions which Defendant is required to have made to Plaintiffs and which it has failed to make.

7. I am duly authorized by Plaintiffs in the making of this Affidavit, have personal knowledge of the matters set forth above, and if called as a witness I am competent to testify thereto.

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8. I make this Affidavit in support of the application of Plaintiffs for an order requiring an audit of the payroll books and records of Defendant for March 2005 through the present and request that this Court consider it as proof in support of the allegations contained in the Complaint and such other facts as herein set forth.

FURTHER AFFIANT SAYETH NOT.

*Deborah L. French*

DEBORAH L. FRENCH

SUBSCRIBED AND SWORN to  
before me this 5-5  
day of March 2008.

*Michael E. Pieklo*  
NOTARY PUBLIC

OFFICIAL SEAL  
MICHAEL E PIEKLO  
NOTARY PUBLIC - STATE OF ILLINOIS  
MY COMMISSION EXPIRES:04/27/10

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**CERTIFICATE OF SERVICE**

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Affidavit of Deborah L. French) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 10th day of March 2008:

Mr. John C. Wyman  
730 Hackberry Court  
Bartlett, IL 60103

/s/ Jennifer L. Dunitz-Geiringer

Jennifer L. Dunitz-Geiringer  
Attorney for Plaintiffs  
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